

## **STATEMENT OF JUSTIFICATION**

**Application of Collin Equities, Inc.**

**ZCPA 2006 -0005**

**Amendment of ZMAP 1992-0004/ZCPA 1992-0009/ZCPA 2000-0009 (University Center)**

**March 31, 2006**

**Revised October 17, 2007**

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### **I. Introduction**

Collin Equities, Inc., the applicant, is the successor owner of University Center to Washington Engineering Associates, the original developer and an affiliate of the Charles E. Smith Companies. University Center is bounded on the east by the Broad Run; on the west by the Potomac Farms subdivision, zoned A-3 and planned for Business Community purposes; on the north by the Potomac River; and on the south by the PD-IP zoned Ray Property, the PD-OP zoned Loudoun Square Center development, the PD-IP zoned Commonwealth Center property, and the PD-RDP zoned One Loudoun Center property. The properties to the south are located across Route 7, a multi-lane arterial highway. University Center is zoned PD-RDP and R-16 and is located in the Route 28 Tax District.

### **II. Project History**

University Center has a lengthy zoning history, which is outlined as follows:

- On November 7, 1988, the Board of Supervisors rezoned the property to the PD-RDP and PD-H30 zoning districts in ZMAP 1986-0039 to allow for development of 8,307,067 square feet of PD-RDP non-residential uses and for 850 PD-H30 multi-family residential dwelling units by the Washington Engineering Associates Limited Partnership ("WEA").
- Subsequent to this initial rezoning approval, a gift of land was made to The George Washington University, which, in 1991, built the first building for its Virginia campus. Additionally, an office building was built by E-Systems, which is now owned by The George Washington University. The Northern Virginia Criminal Justice Academy was built at the eastern end of University Center. Within the PD-H30 zoned area, 466 garden apartments and a day care center were built.
- On June 29, 1992, WEA, citing the regional depression in commercial real

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**ATTACHMENT 2**

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estate and its desire to further augment the residential component of University Center, filed ZMAP 1992-0004 and ZCPA 1992-0009, which proposed an additional 1,562 dwelling units within an expanded PD-H30 zoned area, to yield a total of 2,388 residential units, and a reduction in PD-RDP square footage from 8,307,067 to 7,125,504 square feet. On January 6, 1993, the Board of Supervisors approved ZMAP 1992-0004 and ZCPA 1992-0009 as a complete revision to the original ZMAP 1986-0029 rezoning and related proffers.

- Thereafter, WEA filed ZMAP 1993-0001 to increase the size of the PD-H30 zoned area to permit townhouse units to be built in addition to multi-family units, which the Board of Supervisors approved on August 4, 1993.
- Later, WEA filed ZCPA 1993-0004 requesting that the on-site alignment of Riverside Parkway be downsized from a four-lane divided roadway within a 120-foot right-of-way to a four-lane undivided roadway within a 70-foot right-of-way, the Board of Supervisors approved on May 4, 1994.
- Subsequently, WEA filed ZMOD 1994-0001 to reduce the minimum lot width for townhouse units to 16 feet, which the Board of Supervisors approved on October 19, 1994.
- Finally, in 1995, WEA again sought to increase the permitted number of residential dwelling units in University Center, but, following public hearings before the Planning Commission and the Board of Supervisors, WEA withdrew this application in the face of almost-certain denial.
- In December of 1998, WEA turned over title to the undeveloped PD-RDP parcels to Collin Equities, Inc., a wholly-owned subsidiary of Wells Fargo Bank, which had served as the primary lending institution to WEA on its University Center Project, and, through an affiliated entity of the Charles E. Smith Companies, retained title to the undeveloped PD-H30 portions of University Center to complete the allowed residential build-out. Thereafter, Collin Equities, Inc. began an effort to bring appropriate office and

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commercial users to University Center and complete development of the PD-RDP portion of University Center.

- On December 2, 2002, the Board of Supervisors approved ZCPA 2000-0009, further amending the concept plan and proffers by reducing the office square footage for the property from 7,125,504 square feet to 2,065,273, excluding the George Washington University development, which is exempt from the proffers.

### III. Project Summary

The proposed application consists of twelve (12) land bays that are shown on the Concept Development Plan (CDP). These land bays are identified as Parcels D, E, F, H (1-3), I-2, I-4, L-1, N, P, and P-1. The land bays identified with the letter designations indicated above are proposed for PD-RDP development. The land bays proposed for PD-RDP development will have a maximum aggregate development density of 2,206,019 square feet,

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Pursuant to the proffers previously approved under ZCPA 2000-0009, the applicant has designed the grade-separated interchange at Loudoun County Parkway and Route 7. The design for the interchange is a single-point diamond interchange. This design requires less right-of-way dedication than was included in the density distribution table included on the CDP for ZCPA 2000-0009. This application proposes to capture the density from the land no longer included in the proposed interchange right-of-way. In addition, when the grade-separated interchange is constructed, the existing at-grade intersection for Presidential Drive will be closed, and Presidential Drive will no longer be needed as a public right-of-way. Therefore, this application also proposes to vacate the Presidential Drive right-of-way when the grade-separated interchange is constructed, making approximately three additional developable acres available for density calculation purposes. This application proposes to increase the maximum permitted floor area for two of the parcels for which the acreage increased, Parcels E and F, and to decrease the maximum permitted floor area for Parcel P for which the acreage decreased, while maintaining the same maximum FAR for each of

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these parcels that was established under ZCPA 2000-0009. The increased developable area results in an additional 140,746 square feet being proposed.

The application proposes a two-phase development and related density distribution tables. The Phase One Development Plan, shown on sheet 8 of the CDP, reflects the parcel configuration, acreage and maximum building area while the at-grade intersection for Presidential Drive is open. The Ultimate Development Plan, shown on sheet 7 of the CDP, will be implemented once the Route 7/Loudoun County Parkway grade-separated interchange is constructed and the Presidential Drive intersection is closed and the right-of-way is vacated. Three tables illustrating the project's density distribution are attached to this statement to help illustrate the changes being proposed. The tables include the density distribution approved under ZCPA 2000-0009 and the Phase One and Ultimate Density Distribution.

The applicant essentially is retaining the proffered commitments under ZCPA 2000-0009 with this application, but is proposing amendments that better reflect the needed contributions to road improvements, based on the interchange design work that has taken place since ZCPA 2000-0009 was approved. After many discussions with County transportation staff, it now appears that the better course of action for Loudoun County Parkway between Route 7 and George Washington Boulevard is not to construct it at this time, but rather to provide a cash equivalent contribution for its construction to be included with the interchange construction. If it were to be constructed now, it would become a throwaway improvement when the interchange is constructed later. Therefore, this significant proffer money would be better used toward constructing Loudoun County Parkway at the time the interchange is constructed. The construction proffers associated with the construction of Loudoun County Parkway between Route 7 and George Washington Parkway are proposed to be provided as a cash contribution in lieu of construction.

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Presidential Drive, during the interim, will remain as the western at-grade intersection for the property until the grade-separated interchange is constructed. Once the Route 7/Loudoun County Parkway interchange is operational, the Presidential Drive access to Route 7 will be closed, and Presidential Drive will no longer be needed as a public road

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within the Property. Therefore, the proffers also are being amended to permit the applicant to vacate the Presidential Drive public right-of-way, once the interchange is open and available to the driving public.

Other proffer changes include amending the maximum permitted retail square footage proportional to the revised concept plan. The retail floor area, like the office floor area, is being increased because of the increased land area, while maintaining the same maximum percentage of the total permitted floor area as was approved under ZCPA 2000-0009. The land bays where these retail uses are permitted, E, F, H (1-3) and P will permit a maximum of 11% of the permitted floor area of these land bays to be the support retail uses. The hotel use and commercial recreation services have been removed from the uses subject to the cap, thereby treating these uses as a primary PD-RDP use under the overall density cap for each land bay. The retail uses remain subject to the same location criteria that were set forth in ZCPA 2000-0009. The proffers also are being amended to clarify that any land dedicated to Loudoun County is excluded from being part of the Property Owners Association.

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#### IV. Conformance with Comprehensive Plan

The property is governed by the Revised General Plan and by the Dulles North Area Management Plan ("DNAMP"), which recommends the property as a Keynote Employment Center. In this application, the applicant proposes to amend the Concept Plan to reallocate density, but does will not alter the proposed uses. The applicant's proposal further implements the General Plan's recommendations concerning the development of keynote employment uses which are compatible with adjacent commercial and residential uses, by increasing the maximum permitted amount of office use and proportionately increasing the maximum permitted auxiliary retail uses.

#### V. Zoning Standards for Consideration

Section 1208 of the 1972 Zoning Ordinance sets forth certain standards for consideration of Zoning Concept Plan Amendments. These standards are addressed as follows:

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**Whether the proposed zoning district classification is consistent with the Comprehensive Plan.**

The property is presently zoned PD-RDP, as governed by the 1972 Zoning Ordinance. No change is proposed to the zoning classification of the property. The Comprehensive Plan indicates that this area is appropriate for development as Keynote Employment.

**Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.**

The final design for the grade-separated interchange for Loudoun County Parkway and Route 7 has been submitted to VDOT as a single-point diamond type interchange. This design requires less right-of-way dedication than was accounted for under ZCPA 2000-0009. Further, once the at-grade intersection for Presidential Drive is closed due to the interchange, the Presidential Drive right-of-way will no longer be needed and is proposed to be vacated. This application merely reflects the additional floor area the additional developable acreage will provide, while maintaining the same maximum FAR for each parcel approved under ZCPA 2000-0009.

**Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.**

The proposed ZCPA to the University Center PD-RDP is compatible, since no new uses are proposed, only additional floor area at the same maximum FAR.

**Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.**

The property is located in the Suburban Policy Area, which is served by public utilities. The applicant proposes to continue building within an existing development that currently is served by LCSA utilities, public sewer and water, and transportation facilities.

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The proposed use is non-residential, thus would have no direct impact on the school facilities in the area.

**The effect of the proposed rezoning on the County's ground water supply.**

University Center is served by public water and sewer facilities and should have no effect on the County's ground water supply.

**The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.**

During the continued construction activities on the property, the applicant will use proper engineering techniques to ensure that appropriate measures are taken to safeguard the integrity of the structural capacity of the soils.

**The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.**

University Center will continue to be served by the road network and improvements proffered under ZCPA 2000-0009. The grade-separated interchange, which was designed by the applicant and for which needed land will be dedicated by the applicant, will handle the future traffic for the project. The ultimate development plan cannot occur without construction of the interchange. There will be no construction traffic needing to travel in the residential portions of University Center.

**Whether a reasonably viable economic use of the subject property exists under the current zoning.**

The Property's existing PD-RDP zoning entitlements provides a reasonable economic use to the applicant, but, the application proposes reasonable development on the land no longer needed for right-of-way dedication. The application proposes a decrease in the total

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maximum floor area density on one parcel and an increase in the total maximum floor area density on two parcels, while maintaining the same maximum floor area ratios for each parcel approved under ZCPA 2000-0009.

**The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.**

The proposed amendment is allowing land previously thought to be needed for road right-of-way available for a reasonable amount of development. No land planned for open space or environmentally sensitive land is being affected by this amendment

**Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.**

The application encourages economic development activity in a Keynote Employment area and makes possible increasing desirable employment and enlarging the tax base as a result of ten acres being returned to the county tax rolls that is no longer needed for right-of-way, resulting in an associated increase of the maximum allowable floor area for the Property. An interchange location of two major roadways, Route 7 and Loudoun County Parkway, is where these employment uses should be located.

**Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.**

The property is located in the Suburban Policy Area in a Keynote Employment designated corridor. In developing the general land use pattern, Loudoun County determined that this area of the County would be appropriate for development, specifically for office and supportive retail uses. The County identified other areas of the county as appropriate and sufficient to meet the needs of other types of industry and business and agriculture, based on the policies contained in the Comprehensive Plan.



**Whether the rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.**

The Comprehensive Plan designates this location for Keynote Employment uses. The Comprehensive Plan has developed a balanced land use pattern, which considers the requirements of the community for varying land uses based on the projected population and economic forecasts.

**Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.**

The property is located in an area designated for Keynote Employment development. As stated above, approval of this ZCPA will allow the applicant to continue in its marketing efforts to bring tax base and employment uses to an area of the county intended for such uses.

**Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county.**

The amendment amends a maximum floor area limitation based on additional developable land being made available for the project at a location in the county already deemed by previous zoning actions for the property to be appropriate for employment uses and zoning.

**The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.**

The Property contains only PD-RDP non-residential land, which is inappropriate for conversion to any form of residential uses. Appropriate housing opportunities are available on the R-16 zoned portion of University Center and elsewhere in the nearby Ashburn and Sterling communities.

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**The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.**

The proposed amendment is allowing land previously thought to be needed for road right-of-way available for a reasonable amount of development. No land that contains significant natural, scenic, archaeological, or historic features is being affected by this amendment

#### **VI. Conclusion**

In view of the foregoing discussion, Collin Equities, Inc., as the applicant respectfully submits that this Zoning Concept Plan Amendment should be approved in accordance with the submitted ZCPA Concept Development Plan. The proposed uses and densities are in conformance with the applicable elements of the Comprehensive Plan and in compliance with the PD-RDP regulations of the 1972 Zoning Ordinance.